

UNITED STATES DISTRICT COURT

IN RE:

SOUNDVIEW ELITE, LTD. ET AL,

Debtors.

ALPHONSE FLETCHER, JR. (pro se),
AND GEORGE E. LADNER (pro se)
Members of Debtors' Board of
Directors

Appellants.

SOUTHERN DISTRICT OF NEW YORK

Chapter 11

Case No. 13-13098 (REG)

(Jointly Administered)

On Appeal from the United States
Bankruptcy Court for the Southern
District of New York (Hon. Robert E.
Gerber)

**DESIGNATION OF THE ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL
AND A STATEMENT OF ISSUES TO BE PRESENTED ON APPEAL FROM BENCH
DECISION [DOCKET NO. 165] ENTERED IN THE ABOVE-CAPTIONED
CHAPTER 11 PROCEEDING ON THE 23RD DAY OF JANUARY, 2014**

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
FILED
2014 FEB 20 PM 4:02

Alphonse Fletcher, Jr. (pro se) and George E. Ladner (pro se), Members of Debtors' Board of Directors, respectfully appeals under 28 U.S.C. § 158(a) from the Bench Decision on Motions to Dismiss, For Relief from Stay, For Appointment of Trustee, and On Sanctions for Contempt [Docket No. 156] entered in the above-captioned chapter 11 proceedings on the 23st day of January, 2014. In accordance with the requirements of Federal Rule of Bankruptcy Procedure 8006, the Appellant respectfully submits the following statement of issues to be presented, and designation of record items to be included, in the record on appeal in connection with the Notice of Appeal filed by the Appellant on the 7th day of February, 2014.

STATEMENT OF ISSUES ON APPEAL

1. Whether the Bankruptcy Court committed an error of law or an abuse of discretion in its decision displacing the Directors and Officers as an extraordinary remedy in the application of Bankruptcy Code Section 1104. The evidence and the law placed an obligation on the Court to dismiss the motion to appoint a Trustee. The Court erred in appointing a Trustee over the Debtors' proposed alternative, appointment of an Examiner under Section 1104 (c).
2. Whether the Bankruptcy Court committed an error of law or an abuse of discretion in its failure to sanction the breach of the automatic stay. The

Appellees violated the Courts order of an Automatic Stay between September 24, 2013 and January 20, 2014 on more than eight separate occasions including an ex parte meeting in a jurisdiction outside of the United States District Court Southern District of New York.

DESIGNATION OF RECORD ITEMS FOR APPEAL

DATE ENTERED	DOCKET NO.	DESCRIPTION
02/07/2014	172	Notice of Appeal under 28 U.S.C. § 158(a) from the Bench Decision Docket No. 156 entered in the above-captioned chapter 11 proceedings on the 23st day of January, 2014
01/23/2014	156	Bench Decision on Motions to Dismiss, For Relief from Stay, For Appointment of Trustee, and On Sanctions for Contempt [Docket No. 156] entered in the above-captioned chapter 11 proceedings on the 23st day of January, 2014.
1/20/14	ECF No. 150	JOLs' Emergency TRO Mtn.
1/21/14	152	Debtors Statement Regarding Exhibit K to Disclosure Statement in In Re: THIS WAS FILED IN THE SOUNDVIEW CASE, FILED 1/21/14 DOCKET 152 Fletcher International, Ltd., Case No. 12-12796
1/3/14	370	Objection of Debtors-In-Possession Soundview Elite Ltd., et al., to Trustees Report and Disclosure Statement THIS WAS FILED IN THE FILB CASE ON 1/3/14, DOCKET 370
01/08/14	145	1-07-14 Hearing Transcript Soundview Elite, LTD. ET AL
12/23/13	141	12-20-13 Hearing Transcript Soundview Elite, LTD. ET AL
12/20/13	140	12-19-13 Hearing Transcript Soundview Elite, LTD. ET AL
12/20/13	139	12-18-13 Hearing Transcript Soundview Elite, LTD. ET AL

DATE ENTERED	DOCKET NO.	DESCRIPTION
02/07/2014	172	Notice of Appeal under 28 U.S.C. § 158(a) from the Bench Decision Docket No. 156 entered in the above-captioned chapter 11 proceedings on the 23st day of January, 2014
01/23/2014	156	Bench Decision on Motions to Dismiss, For Relief from Stay, For Appointment of Trustee, and On Sanctions for Contempt [Docket No. 156] entered in the above-captioned chapter 11 proceedings on the 23st day of January, 2014.
1/20/14	ECF No. 150	JOLs' Emergency TRO Mtn.
1/21/14	152	Debtors Statement Regarding Exhibit K to Disclosure Statement in In Re: THIS WAS FILED IN THE SOUNDVIEW CASE, FILED 1/21/14 DOCKET 152 Fletcher International, Ltd., Case No. 12-12796
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12/20/13	139	12-18-13 Hearing Transcript Soundview Elite, LTD. ET AL
12/19/13	138	12-17-13 Hearing Transcript Soundview Elite, LTD. ET AL
12/03/13	96	Affidavit of Bernard A. Katz in Support of Debtors' Opposition to Motions to Dismiss, Convert, or Appoint a Chapter 11 Trustee
12/11/13	118	Direct Testimony/Affidavit of Alphonse Fletcher, Jr. on Motions to Dismiss, Convert, or Appoint a Trustee [CORRECTED]

11/23/13	327	Trustee's Report And Disclosure Statement. Case 12-12796-Reg Doc 327 Filed 11/25/13 Filed With United States Bankruptcy Court Southern District Of New York In re: : Chapter 11 FLETCHER INTERNATIONAL, LTD. Debtor
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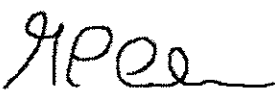
Dated: New York, New York
February 21, 2014

Respectfully submitted by

ALPHONSE FLETCHER, JR.
and
GEORGE E. LADNER

By: 
Alphonse Fletcher, Jr.

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Appellants, Members of the Board of
Directors of Soundview Elite Ltd. et
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